

the future. The surplus is not extra money which Congress can spend on any worthy cause. It is money which must be set aside to pay those future obligations.

The overall surplus is equal to the surplus in the Social Security Trust Fund minus the deficit in the rest of the government. When Social Security reserves are removed from the calculation, the surpluses over the next seven years evaporate. Budget deficits continue through fiscal year 2001, followed by four years of roughly balanced non-Social Security budgets. Not until 2006 does any meaningful surplus appear without counting Social Security reserves.

The Congressional Budget Office has projected a surplus of \$1.55 trillion over the next ten years. Of that amount, \$1.52 trillion—98%—is Social Security reserves, which consist of the payroll tax payments made by employees and employers during the next decade and interest earned on Social Security Trust Fund during that period.

Every one of those dollars will be needed to honor our commitment to future retirees. Only \$31 billion of the ten year projected surplus—an average of \$3 billion a year—is not already committed to meeting future Social Security obligations, and that amount could easily disappear with only a slight shift in the economy.

A \$520 billion surplus is projected over the next five years, and it is composed entirely of Social Security reserves. In fact, if Social Security reserves are not included, there would actually be a deficit of \$137 billion during this period. There is no surplus for Congress to spend over the next five years—none at all.

Despite these facts, House Republican leaders repeatedly call for using a major portion of this so-called surplus for tax cuts. Originally, they proposed that half the surplus—over \$700 billion—be spent on tax cuts. These Republicans had the gall to brag that they would devote the other half to Social Security. Majority Leader DICK ARMEY boasted that this is “a big, big step in the direction of saving Social Security.” Nonsense. Congressman ARMEY’s suggestion is the equivalent of a banker embezzling half the money he was entrusted with, and boasting that he did not steal it all.

Now we hear from Speaker GINGRICH that House Republicans will only seek a tax cut of \$70 to \$80 billion this year, but intend to pass a much larger one next spring. He acknowledged that “virtually all of it” would be paid for with dollars taken from the surplus. The intent of these Republican schemes is clear—it is to rob Social Security in order to pay for tax cuts going disproportionately to the wealthiest citizens.

Whether the Republicans take one giant bite, or several smaller ones, out of the surplus, the result will be the same—a dramatic weakening of Social Security. The entire \$1.52 trillion be-

longs to the Social Security Trust Fund. It is being raised to pay for retirement benefits—and any diversion of any portion of those funds is wrong.

Congressman KASICH, the House Budget Chairman, offered an interesting variation on this Republican theme. He has suggested that the interest earned on reserves in the Social Security Trust Fund does not belong to Social Security, and should be used to finance tax cuts. That too is absurd. “I only stole the interest” is hardly a legitimate defense for a person charged with embezzlement.

The interest earned on the reserves is clearly part of the Social Security Trust Fund, just as interest earned by a private citizen’s bank account is part of that account and part of the citizen’s income. All of the reports issued by the Social Security actuaries on the state of Social Security finances reflect these interest earnings. Pension funds, bank accounts, and other assets earn interest, and so does the Social Security Trust Fund. Using the interest earned on the Social Security Trust Funds to finance tax cuts would consume hundreds of billions of dollars that otherwise will be used to help restore the financial integrity of Social Security over the long term. If the interest earnings are removed from the trust fund, Social Security’s financial problems would become much greater.

If Social Security reserves are not available for the Trust Fund in the future because they have been used to pay for tax cuts, then it is clear that benefit cuts or large payroll tax increases will be inevitable for Social Security. What we call the “surplus” is actually dollars raised expressly for the purpose of paying Social Security benefits to the men and women of the baby boom generation when they retire. Every dollar which we divert today to finance irresponsible tax cut schemes will only expand the gap between the future retirement benefits owed by Social Security and the resources available to meet those obligations.

Social Security is fundamentally sound. Unless Congress makes the current problems worse, harsh benefit cuts will not be necessary to insure its long-term solvency. It is essential that the current benefit structure be preserved. For two-thirds of our senior citizens, Social Security benefits represent more than half of their annual income. Social Security has dramatically reduced the poverty rate among older Americans. We cannot allow that guaranteed benefit to be undermined. No action by Congress would threaten those benefits more than recklessly spending a large portion of the Social Security Trust Fund for irresponsible tax cuts.

The surplus belongs to Social Security—all \$1.5 trillion of it. We are not free to spend it for other purposes. The Republican assault on Social Security is unconscionable. We must preserve it for future generations, not spend it recklessly on tax cuts now.

Mrs. FEINSTEIN addressed the Chair.

The PRESIDING OFFICER. The Senator from California.

Mrs. FEINSTEIN. Mr. President, I yield myself 10 minutes.

The PRESIDING OFFICER. The Senator only has 7½ minutes.

Mrs. FEINSTEIN. I will try to do it in 7½ minutes. I thank the Chair.

GAO STUDIES FIND MAJOR PROBLEMS WITH CUSTOMS’ ANTI-DRUG ENFORCEMENT PROGRAMS

Mrs. FEINSTEIN. Mr. President, I rise to bring this body’s attention to a number of very serious problems that have now been documented in the U.S. Customs Service’s drug enforcement efforts at ports of entry on the Southwest Border.

Back in March 1996, I asked the General Accounting Office to investigate the continuing influx of drugs entering our country across the border with Mexico, and the inability or unwillingness of the Customs Service to effectively address the problem. I was especially concerned about reports that trucks loaded with drugs were coming into the country without inspection by Customs.

The investigation by the GAO over the past 18 months has now confirmed my long-standing concerns that there are major weaknesses in several Customs’ programs that were supposed to help separate so-called “low-risk” Mexican cargo shipments from those that are of higher drug smuggling risk.

These programs were intended to help expedite the processing of cargo by companies with no previous involvement in narcotics smuggling, which had been thoroughly checked so authorities could focus on other shipments considered to be of significant risk of drug smuggling.

The problems uncovered by the GAO’s 18-month investigation are, by themselves, cause of serious concern. But what is also disturbing, is that the flow of large amounts of drugs through our ports of entry has apparently continued even while the GAO was conducting its research.

Four reports in all have been issued by the GAO:

Customs Service: Information on Southwest Border Drug Enforcement Operations (GAO/GGD-97-173R, Sept. 30, 1997).

Customs Service: Process for Estimating and Allocating Inspectional Personnel (GAO/GGD-98-107, April 30, 1998).

Customs Service: Drug Interdiction: Internal Control Weaknesses and Other Concerns With Low-Risk Cargo Entry Programs (GAO/GGD-98-175, July 31, 1998).

Customs Service: Internal Control Weaknesses Over Deletion of Certain Law Enforcement Records (GAO/GGD-98-187, August 21, 1998)

The August 1998 report was particularly troubling and I sent a letter to

Treasury Secretary Robert Rubin on August 17, 1998, asking for his response. To date, I have not heard back from him. I am also including a copy of this letter in the record.

The problems identified in Customs' drug enforcement efforts at three cargo inspection facilities (Laredo, Texas; Nogales, Arizona; and Otay Mesa, California) have been occurring during a time when the North American Free Trade Agreement has stimulated significant increases in commercial trade.

The increased trade generated by NAFTA has resulted in significant expansion of opportunities for drug trafficking organizations. This is largely because of the excellent "cover" commercial trade activity provides, according to a report issued by Operation Alliance, a federally sponsored drug enforcement coordinating agency in El Paso.

The Operation Alliance Report clearly describes the ways in which drug smugglers are exploiting increased trade. Let me cite just a few examples of how drug traffickers are taking advantage of the increased trade generated by NAFTA:

Traffickers are making extensive use of "legitimate" systems for moving drugs into the United States by becoming thoroughly familiar with Customs documents, procedures and processes.

Traffickers are also becoming involved with well-known legitimate trucking firms that would be less likely targets of law enforcement scrutiny.

Known drug traffickers are also involved as owners or controlling parties in other commercial trade-related businesses to assist in the storage and transportation of drugs, such as semi-trailer manufacturing companies, railroad systems, factories, distributing companies and warehouses.

Some traffickers have sought trade consultants to determine what merchandise moves most quickly across the border under NAFTA rules.

Against this backdrop of traffickers exploiting legitimate means of transporting cargo across the border for their own illicit smuggling operations, we now have the GAO finding disturbing evidence of problems in Customs' drug enforcement efforts.

Problems found by the GAO include:

Internal control weaknesses in a program known as "Line Release," intended to identify and separate "low-risk" shipments from those with apparently higher smuggling risk. These flaws at all three of the above-mentioned border crossings are seriously jeopardizing the security of the program.

Incomplete documentation of screening and review of applicants at Otay Mesa, as well as Nogales.

Lost or misplaced Line Release application files and background checklists that served as support for approving applications. Otay Mesa officials were unable to locate 15 of 46 background checklists in the Line Release program.

No recertification requirement for companies already approved for the Line Release Program to ensure that the participants remained a low risk for drug smuggling. (The Otay Mesa Port did recertify participants on the basis of their shipping volume criteria, but does not recheck those same companies for their compliance or perform follow-up background checks, the GAO said.)

A lack of documentation of supervisory reviews and approval of decisions.

Mr. President, given these problems in a program whose intent was to expedite crossing of low-risk shipments so more enforcement attention could be focused on high-risk shipments, the effectiveness of the Line Release program is called into question.

Moreover, the GAO found that Customs officials themselves have little confidence in the "Three Tier Targets" concept, another enforcement initiative implemented in 1992, which was supposed to help identify low- and high-risk shipments so inspectors could focus their attention on suspect shipments.

Under the program, Customs headquarters identified how cargo shipments would be divided into three-tier categories, but allowed the ports of entry to develop their own procedures for assigning risk.

The GAO found that this program does not work because there is insufficient information in the Customs' database for researching foreign manufacturers. What this means is that the reliability of the risk designations, which range from "little risk" for narcotics smuggling to a "significant risk," are questionable and therefore unreliable.

The GAO report noted that some inspectors (at Laredo) were "more suspicious of shipments classified as low risk because they had doubts about the reliability of the tier designations." Such doubts could lead to a self-defeating exercise in which inspectors checked more low-risk shipments instead of focusing their attention on high-risk shipments, the GAO said.

Although I have cited only a few of the numerous problems and concerns identified in the GAO reports dealing with low-risk cargo entry programs, they are sufficient to raise serious doubts about the effectiveness of Customs' drug enforcement efforts at our Southwestern Border Ports of Entry.

But, unfortunately, there is more.

The GAO also found significant internal control problems with a Treasury Enforcement Communications System, which is used to compile lookout data for law enforcement purposes, including identification of persons and vehicles suspected of drug smuggling.

The system is used by more than 20 federal agencies, including the INS, DEA, IRS and Bureau of Alcohol, Tobacco and Firearms. However, Customs did not have adequate controls over deletion of records from the system and

Customs' guidance for its use does not follow standards set by the Comptroller General, and which renders it vulnerable to deletion of data without checks and balances by management.

The bottom line: this could result in cargo shipments being expedited when they in fact should be stopped and searched.

In addition to communications problems, and the previously cited weaknesses in the Line Release and Three-Tier Targeting program, the GAO also found problems with the processes for estimating and allocating inspection personnel at the ports.

For example, under the current Customs' employees union contracts, inspectors can only be moved to new sites if they volunteer, which I find quite surprising.

The GAO report also found that inconsistent practices in the agency's personnel decision-making processes could prevent Customs from accurately estimating the need for inspector personnel and allocating them to ports. This inability to quickly allocate resources to where they are needed most is just another hindrance in our drug interdiction efforts at the border.

Mr. President, the problems go on and on. It's an alarming situation that demonstrates the Southwest Border is still, without question, ground zero in U.S. drug interdiction efforts.

More than 70% of the cocaine and other narcotics entering this country come across our Southwest border. In fact, narcotics intelligence officials continue to warn that an estimated 5 to 7 tons of cocaine enters this country every single day of the year.

In the last two years, Congress has authorized more than \$100 million for 650 additional inspectors and state-of-the-art technologies along the Southwest border. The President's budget in FY1999 calls for an additional \$104 million for Southwest Border drug interdiction efforts.

Despite our best efforts and constant drum beat by Members of Congress, including myself, to try to tighten Customs' drug enforcement efforts, little progress has been made.

Trucks are still getting through our ports of entry with their loads of illicit drugs concealed in cargo ranging from electronics components to vegetables, or in false compartments built into the trucks.

For example, one of the largest cocaine seizures ever made in California's Imperial County occurred last November when Border Patrol agents found 835 pounds of the drug concealed in a tractor trailer rig of Mexican registry at a highway checkpoint about 50 miles north of the border. (Source: U.S. Border Patrol.)

The next month Border Patrol agents seized 474 pounds of marijuana in another truck of Mexican registry in Calexico, CA., across the border from Mexicali, Mexico. (Source: U.S. Border Patrol)

At the Otay Mesa Cargo Inspection facility, there have been 24 seizures

within the last year of drugs found concealed in trucks and trailers, including those of two Line Release participants. (Source: information provided San Diego District Office by a Customs inspector.)

And, in August of 1997, the New York Times News Service reported the following:

For nearly a year, 18-wheel trailer trucks, driven by experienced truckers recruited in Michigan, have been rolling north from the Mexican border to New York, delivering tons of concealed cocaine and marijuana and carrying back millions of dollars in illegal drug profits.

Authorities said the trucks were dispatched by Mexico's most powerful drug-trafficking syndicate, once headed by the late Amado Carillo Fuentes.

A parallel investigation discovered the smuggling of at least 1.5 tons of cocaine a month in crates of fruits and vegetables from Mexico, according to the New York Times Service article.

One wonders if these cocaine-laden vegetable shipments were routinely passed through by border inspectors month after month because they were part of the Line Release or other Customs' programs that had classified the shipments as low-risk for drug smuggling.

More than once, officials at Customs have told me that not only is it impossible to increase inspection of trucks and cars entering our borders, but that it is not really necessary. Customs is relying on its sophisticated technology, including electronic technology, random searches, and Customs' vast intelligence operations, to stop the drug smugglers.

But the fact is, while Customs is having internal control problems, the drug traffickers have developed detailed knowledge and profiles of our port operations, and are using the "cover" that legitimate commercial trade activity provides to penetrate our borders and smuggle drugs.

Additionally, the "random" searches that I have heard so much about are supposed to keep traffickers trembling in their "big-rigs." But they have become so predictable that, as Customs has previously told my staff: "traffickers know what cargo, conveyances, or passengers we inspect, how many of those conveyances are checked on an average day, what lanes we work harder, and what lanes are more accessible for smuggling."

Mr. President, I know how difficult this task is, and I want to commend the extremely hard working men and women of the United States Customs Service, but the impact of Customs' internal control problems have dire consequences in our fight against drugs in our cities and in our rural areas.

But without effective internal controls over the Line Release program, the Three-tier risk program and other enforcement initiatives cited by the GAO, Customs' ability to detect drug smugglers and to interdict drugs at the border is seriously jeopardized.

Mr. President, we must address the Customs' internal control problems now. We need to fix the problems before authorizing any additional programs that would further complicate our drug interdiction efforts at the border.

As the ranking member of the Technology Terrorism Subcommittee on the Judiciary Committee, I hope to work with the Chairman of the Subcommittee to hold hearings on the issues raised by the GAO reports so that we can fully understand the problem and identify a long-term solution.

I will work with the distinguished chairman of the Judiciary Committee to identify a way for such hearings to be held without delay.

Mr. President, I ask unanimous consent that my letters to GAO and to Secretary Rubin be printed in the RECORD.

There being no objection, the material was ordered to be printed in the RECORD, as follows:

U.S. SENATE,

Washington, DC, August 17, 1998.

Hon. ROBERT RUBIN,
Department of Treasury,
Washington DC.

DEAR SECRETARY RUBIN: I am writing to ask that you review and respond to the weaknesses outlined in the enclosed recent GAO study of Customs Services' drug interdiction and enforcement programs along the Southwest border.

The GAO study clearly indicates problems with the current drug enforcement operations along the Southwest border, particularly the Line Release program and the Three Tier Targeting Program.

The Line Release Program has weak internal controls. As you may know, the Line Release program was created in 1986 on the northern border and in 1989 on the southern border to expedite shipments of those brokers, importers and manufacturers who Customs considered a low risk for drug smuggling based on specific guidelines set by the Customs's Line Release Quality Standards.

Of the three ports studied—Otay Mesa, CA, Laredo, TX and Nogales, AZ—GAO identified one or more internal weaknesses in the Line Release program as implemented at all of the ports, seriously jeopardizing the security of the program against drug smugglers.

The internal control weaknesses found by the GAO include: lack of specific criteria for determining applicant eligibility at Nogales and Laredo; incomplete documentation of screening and review of applicants at Otay Mesa and Nogales; lack of documentation of supervisory reviews and approval of decisions; lost or misplaced application files and background checklists; (For instance, Nogales officials were unable to locate 2 of 7 applications for companies currently using the Line Release program, and could only locate 1 of 7 Line Release checklists identified with the applications on file. Otay Mesa officials were unable to locate 15 of 46 background checklists in the Line Release program.); and no recertification requirement under the Code of Federal Regulations or Customs' implementing guidelines for companies already approved for the Line Release Program despite the fact that without recertification, there is no assurance that the participants remain a low risk for drug smuggling.

All three ports have little confidence in the Three Tier Targeting Program. The Three Tier Program allows Customs to classify ship-

ments into three tiers—little risk, unknown degree of risk and significant risk—giving expedited treatment for those shipments considered "low risk". GAO reports that officials from all three ports agreed that this program is not effective in distinguishing low to high risk shipments since little information is in the database to research foreign manufacturers and the reliability of the risk designations are questionable. For instance, narcotics seizures have been made from "low risk" shipments.

GAO recommendations. The GAO report recommends that Customs strengthen internal control procedures for the Line Release application and review process and that Customs suspend the Three Tier Program until more comprehensive data is available for Customs to make risk assessments and give expedited entry into the U.S. Furthermore, GAO suggests evaluating the effectiveness and efficiency of pilot programs such as the Prefile program and the Automated Targeting System being tested at Laredo before expanding the program further.

As you know, drug smuggling is an ongoing problem for border states like California. I know you share my concern in facilitating the flow of legitimate cargo into the United States without jeopardizing our enforcement abilities against illegal drug smuggling. I would appreciate your response on the problems outlined by GAO as quickly as possible.

With warmest personal regards,

Sincerely,

DIANNE FEINSTEIN,
U.S. Senator.

U.S. SENATE,

Washington, DC, March 6, 1996.

CHARLES A. BOWSER,
Comptroller General, General Accounting Office, Washington, DC.

DEAR COMPTROLLER GENERAL BOWSER: I am alarmed at the continuing influx of drugs entering our country across the border with Mexico, and at the inability or unwillingness of the United States Customs Service to effectively address this problem.

Mexico is a dominant source of drugs entering our country:

75 percent of the cocaine in the United States comes here through Mexico, according to the Drug Enforcement Administration (DEA).

70 to 80 percent of all foreign-grown marijuana enters the U.S. from Mexico, according to the Boston Globe.

90 percent of the precursor chemical ephedrine, used to manufacture the rapidly-escalating problem drug methamphetamine, comes through Mexico, according to the DEA.

Colombian drug cartels are using Mexico as a safe haven to store as much as 70 to 100 tons of cocaine to be smuggled into the U.S., according to the DEA.

Yet, faced with a problem of this magnitude, the Customs Service, a critical enforcement agency at the Mexican border, has been surprisingly and disappointingly ineffective.

Last year, the Los Angeles Times reported that not one pound of cocaine was seized from trucks at three of the busiest ports of entry on the Southwest border in 1994.

Despite the alarm which I expressed at this fact, and my calls for corrective action, reporters from the Los Angeles Times have told my staff that, according to sources at Customs, this continued unabated in 1995, with no cocaine seizures being made from trucks at Otay Mesa, Brownsville, El Paso, and Laredo, four of the busiest ports. The Customs Service has not yet responded to my staff's requests to verify this fact.

The Washington Post reported that cargo trucks, along with ships, are considered a

primary means of smuggling large amounts of narcotics into the United States.

In 1993, the then-District Director of the Customs Service may have prevented investigators from the Inspector-General's office from conducting a surprise inspection of the "line release" program at the southwest border, an investigation aimed at determining whether unauthorized trucks, potentially carrying drugs, were allowed to cross the border without inspection.

The news program "Dateline: NBC" recently filmed more than 35 trucks in just four hours of surveillance belonging to companies on Customs' "watch list" for drug smuggling rolling right through Customs, without being inspected.

It has been reported that the organization of recently-arrested Mexican drug kingpin Juan Garcia Abrego has paid millions of dollars to U.S. and Mexican law enforcement officers. It seems inevitable that a substantial portion of that money has gone to Customs officials, as they are responsible for intercepting drugs at the ports of entry along the Mexican border.

As a Customs supervisor told the Washington Post, "Tons and tons of cocaine are crossing the border, and we're getting very little of it."

The current pattern of drug flow and drug enforcement into and within this country must be changed. To better understand how federal law enforcement approaches these problems and the efficacy of federal programs to curtail drugs, I am officially asking the General Accounting Office to investigate drug enforcement by the Customs Service.

To target your resources, I ask that you focus initially on evaluating the Customs Service's drug enforcement operations at Otay Mesa. After you have evaluated Otay Mesa, I would like to work with you to broaden this inquiry to the rest of the Southwest border. Specifically, I would appreciate your addressing the following questions regarding Otay mesa:

Does the Commissioner of Customs provide clear direction to Customs personnel regarding Customs' drug enforcement mission?

How have Customs' drug enforcement efforts been, or how will they be, affected by their programs to facilitate trade and passenger movement, including but not limited to: line release; re-engineering primary passenger processing; and expanded access by Mexican trucks to the U.S. pursuant to the North American Free Trade Agreement (NAFTA)?

How have the percentage rates of inspections of trucks, cars, and ships by Customs changed over the last three years?

What increases in border crossings by trucks, cars and ships does Customs expect over the next several years? Does Customs have a reasonable basis for the projections it has made? If Customs has not made such projections, why haven't they, and was any consideration given to making them?

Has Customs made adequate plans to meet any expected increases in such border crossings?

What is the basis for Customs' allocation of personnel resources for carrying out their drug enforcement responsibilities? Is this basis reasonable? Have Customs' actual allocations of personnel matched their projections?

What are Customs' processes for training their personnel in their drug enforcement responsibilities?

Why are trucks on Customs' "watch list" passing through without inspection? Is it human error, corruption, systematic flaws, or something else, and in any case what is necessary to fix this? Do Customs personnel actually implement, on an operational level, what Customs' law enforcement plans describe that they do?

Is the Los Angeles Times report that there were no cocaine seizures from trucks at three or four of the busiest ports of entry on the Southwest border in 1994 and 1995 accurate, and, if so, what accounts for this?

Is Customs following up and adequately using the intelligence which they gather?

How vulnerable are Customs' communication systems to penetration by drug smugglers?

What steps are Customs taking to address the problem of "spotters" (individuals who linger around ports of entry, radioing inspection patterns to smugglers on the other side of the border)? How are these steps working?

How are the Cargo search x-ray machines performing?

It is imperative that we get to the bottom of the problems at Customs, and I appreciate your assistance in this regard.

Sincerely,

DIANNE FEINSTEIN,
U.S. Senator.

Mrs. FEINSTEIN. Mr. President, I yield the floor.

The PRESIDING OFFICER. The Senator from Alaska.

Mr. MURKOWSKI. Mr. President, I thank the Chair. As I understand it, we are in morning business?

The PRESIDING OFFICER. The Senator is correct.

Mr. MURKOWSKI. I ask unanimous consent I be allowed to speak for up to 5 minutes.

The PRESIDING OFFICER. Without objection, it is so ordered.

Mr. MURKOWSKI. I thank the Chair.

(The remarks of Mr. MURKOWSKI pertaining to the submission of (S. Res. 276) are printed in today's RECORD under "Submission of Concurrent and Senate Resolutions.")

Mr. MURKOWSKI. I suggest the absence of a quorum.

The PRESIDING OFFICER. The clerk will call the roll.

The assistant legislative clerk proceeded to call the roll.

Mr. GORTON. Madam President, I ask unanimous consent that the order for the quorum call be rescinded.

The PRESIDING OFFICER (Mrs. HUTCHISON). Without objection, it is so ordered.

CONCLUSION OF MORNING BUSINESS

The PRESIDING OFFICER. Morning business is closed.

DEPARTMENT OF THE INTERIOR AND RELATED AGENCIES APPROPRIATIONS ACT, 1999

The PRESIDING OFFICER. Under the previous order, the Senate will now resume consideration of S. 2237, which the clerk will report.

A bill (S. 2237) making appropriations for the Department of the Interior and related agencies for the fiscal year ending September 30, 1999, and for other purposes.

The Senate resumed consideration of the bill.

Pending:

Daschle amendment No. 3581, to provide emergency assistance to agricultural producers.

The PRESIDING OFFICER. Under the previous order, the Senator from Arkansas is recognized to offer an amendment relating to mining with the time until 12:30 p.m. to be equally divided in the usual form.

The Senator from Arkansas is recognized.

Mr. BUMPERS. Madam President, my colleagues will be greatly relieved with my departure at the end of this year because they won't have to listen to this debate anymore. They may have to listen to it again, but not from me.

This amendment arises from a situation which really began last year, Madam President. In order to set the stage for it, I direct my colleagues' attention to this chart here. But before doing so, let me just say that we had what I thought was a solemn agreement last year on this same issue. I won't say it was a handshake contract, but last year the Interior appropriations bill contained a provision that was added in the committee markup, which said the Secretary of the Interior may not promulgate new regulations for the mining of hard rock minerals on Federal lands until every Governor of 11 Western States had individually agreed to it.

In 1976 we passed FLPMA, an acronym for Federal Lands Policy Management Act, it was my second year in the Senate when we passed that, but I was very active in the negotiations and passage of that bill. It was a comprehensive bill that determined how all Bureau of Land Management lands would be handled. In it we said that the Secretary of the Interior is charged with the responsibility of ensuring that on Bureau lands, no unnecessary and undue degradation would occur.

Now, as my friend, the Governor of Florida, Lawton Chiles, who used to be our colleague, used to say on this floor, "The mother tongue is English." You cannot say it any better in English than to say the Secretary is hereby charged with the responsibility for making certain that there is no undue, unnecessary degradation of Federal lands.

We have about 450 million acres of Federal lands, and an awful lot of it is eligible to be mined for various hardrock minerals, notably gold, platinum, silver, zinc, lead, you name it. So in 1980, the Secretary issued regulations to comply with FLPMA and in 1981 they were finalized and went into effect. Everybody applauded and said it is wonderful. Now we have regulations in place that will govern mining companies.

What brought these regulations about? It was the first time we had ever tried to regulate mining on Federal lands. Why did we do it? Because at that very moment, there were 557,000 abandoned mines in this country. Who do you think had been left with the pleasure of cleaning up those 557,000 abandoned mines? You guessed it—"Uncle Sucker." The cleanup costs, according to the Mineral Policy Center,